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In the Supreme Court of the United States

OCTOBER TERM, 1952

No. 390

ROOSEVELT WARD, JR., PETITIONER

v.

THE UNITED STATES OF AMERICA

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

BRIEF FOR THE UNITED STATES

OPINION BELOW

The opinion of the Court of Appeals (R. 47–50) is reported at 195 F. 2d 441.

JURISDICTION

The judgment of the Court of Appeals was entered on April 5, 1952 (R. 51). By order dated May 5, 1952, Mr. Justice Black extended the time for filing the petition for a writ of certiorari to May 22, 1952. The petition was filed on that date, and was granted on October 13, 1952 (R. 51). The jurisdiction of this Court rests on 28 U. S. C. 1254

(1). See also Rules 37 (b) (2) and 45 (a), F. R. Crim. P.

QUESTIONS PRESENTED

1. Whether substantial evidence was adduced to support the jury's finding, implicit in the verdict of guilt, that petitioner knowingly failed to inform his draft board of a current address where mail would reach him.

2. Whether, despite his failure to keep current, either directly or through forwarding requests, an address specified as the one where mail would reach him, petitioner's duty to notify his board of his change of address was nevertheless fulfilled by his inclusion in a questionnaire of the address of an employer, not as petitioner's own mailing address, but merely as an indication of the character and location of his employer's business for classification status purposes.

3. Whether, after failing to reach petitioner prior to the period set forth in the indictment at any of the addresses stated by petitioner or by others to be the place where mail would reach him, it was incumbent upon his local board to continue to mail letters to petitioner's abandoned addresses during the period set forth in the indictment.

STATUTE AND REGULATIONS INVOLVED

The pertinent portions of the Selective Service Act of 1948 (62 Stat. 622, 624, 50 U. S. C. App.,

Supp. V, 462 (4), 465 (b)) and the regulations issued thereunder are set forth in Appendix A, *infra*, pp. 53–56.

STATEMENT

A two-count indictment was returned in the Eastern District of Louisiana on June 19, 1951, charging petitioner (1) with a knowing failure to comply with an order to report for induction issued on March 26, 1951, and (2) with a knowing failure during April and May 1951 to furnish his local draft board with his correct address where mail could be delivered to him, in violation of the Selective Service Act and the regulations promulgated pursuant thereto (R. 1; Appendix A, *infra*, pp. 53–57). At the close of all the evidence, a motion by the government to dismiss count one which charged a failure to comply with an order to report for induction, was granted (R. 3, 36–37). Petitioner was found guilty on count two and was sentenced to three years' imprisonment (R. 3, 5, 43).

A. The Selective Service procedures and forms

The evidence adduced to support the verdict in this case will be more easily understood in the light of the procedures and forms established by the Selective Service regulations which govern registration, classification, selection, and induction, and which define the duties and correlative rights of the registrant. It may be helpful,

therefore, to set forth in advance of the statement of the evidence an explanation of the procedures and forms established to facilitate the administration of the Selective Service Act and the applicable regulations issued thereunder. The pertinent Selective Service forms, which are incorporated into the regulations (32 C. F. R. 1606.51, *infra*, p. 54), are reproduced in Appendix B, *infra*, pp. 61–74.

1. *Registration.*—Times for registration of persons under the Selective Service Act are announced by Presidential proclamation or other public notice, and suitable places staffed by registrars, frequently volunteers, are provided to accommodate registrants (32 C. F. R. 1612.21–1612.25). Every registrant before being registered enters his "name and place of residence" on a tally sheet (SSS Form 4). Each registrant is then interviewed, and on the basis of his answers, the registrar fills in spaces 1 to 15 on the Registration Card (SSS Form 1, *infra*, pp. 69–70).[1] The regulations provide that "the registrar shall take extreme care that the place of residence of the registrant is correctly entered on line 2 of the Registration Card * * *", and "In describing his place of residence, the registrant shall give the street number thereof, when used, and in every case he shall give the name of the town, township, village, or city, and

[1] See 32 C. F. R. 1613.1–1613.11.

the county and State in which it is located. (32 C. F. R. 1613.12, *infra*, pp. 55–57.)[2] The regulations also explicitly provide as follows (32 C. F. R. 1613.12 (b)):

> The registrar shall make sure that the correct mailing address of the registrant is entered on line 3 of the Registration Card (SSS Form No. 1). The mailing address shall be entered in full on line 3 of the card even if it is the same as the place of residence entered on line 2. It should be made clear to the registrant that he should give as his mailing address an address normally regarded by him as a permanent address at which he would expect to receive important communications. The registrar shall advise the registrant that a correct mailing address is most important because it is the address to which all notices to the registrant will be sent, and that he must advise his local board each time there is a change in his mailing address.

After executing the entries, the registrar causes the registrant to verify them and place his signature in the space provided therefor (32 C. F. R. 1613.13).

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[2] If the place of residence is not within the area of the local board the Registration Card (SSS Form No. 1, *infra*, pp. 69–70) is mailed to a local board having jurisdiction or to the State Director of Selective Service who shall ascertain the proper board (32 C. F. R. 1613.42–1613.44). The Registration Card bears the caption in bold type that "the place of residence given on the line above will determine Local Board jurisdiction."

The next step is the issuance of a Registration Certificate (SSS Form No. 2, *infra*, p. 73). Line 2 of this form calls for the "Place of Residence—Identical with item 2 of Registration Card." No other address is provided for on this form. The form states in bold type on its face that:

> The law requires you to have this Card in your possession at all times for identification and to advise your Local Board of change of address.

All Registration Cards (SSS Form No. 1, *infra*, pp. 69–70) are arranged in alphabetical order by the board to serve as a locator file as well as a record of registration (32 C. F. R. 1621.7). All other papers are placed in an individual file for each registrant, the Cover Sheet (SSS Form No. 101, *infra*, p. 74) of which calls for certain information pertinent to the particular registrant (32 C. F. R. 1621.8). In addition to the name, selective service number, and classification, the Cover Sheet has a space for the address of each registrant, with seven spaces to indicate each subsequent change of address, so that it reflects at all times the current address of the registrant. No space is provided for any address other than the registrant's personal address, and no provision is made for entry of an employer's address.

2. *Classification.*—After the Cover Sheet is prepared (SSS Form No. 101, *infra*, p. 74), a Classification Questionnaire (SSS Form No. 100,

infra, pp. 61–68) is mailed to the registrant, which he is required to complete and return within 10 days after the date on which it is mailed to him, unless he is granted an extension of time by the local board to return it (32 C. F. R. 1621.8–1621.10).[3] Prior to the mailing, the first page of the Classification Questionnaire (SSS Form No. 100, *infra*, p. 61) is completed by the local board with data such as the registrant's name and address. The first paragraph under the instructions on page one notifies the registrant as follows:

> This questionnaire is intended to furnish the local board with information to enable it to classify you. You will receive notice from your local board of your classification.

The fifth item under instructions on page one provides:

> 5. After this questionnaire has been returned, report to your local board at once any change of address, any change in place of employment or occupation, or any other new fact which may affect your classification.[4]

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[3] Provision is made that the Classification Questionnaires "shall be mailed as rapidly as possible, consistent with the ability of the local board to give them prompt consideration upon their return" (32 C. F. R. 1621.9 (a)).

[4] Nowhere in the questionnaire is there any suggestion that that form itself is intended to obviate the necessity of notify-

On the second page of the Classification Questionnaire under the title "Statements of the Registrant," and the subtitle "Identification," the registrant is required to fill in five spaces, the third one calling for his present address. Under this subtitle there is no space for any address other than the registrant's personal address "now". Unlike the Registration Card (SSS Form No. 1, *infra,* pp. 69–70), the questionnaire calls for the present telephone number of the registrant. This information, called for under the heading "Identification," all purports to be for the purpose of identifying the registrant.

On page four of the Classification Questionnaire there is a space for each registrant (other than a full-time student) who is presently employed in non-agricultural occupations to indicate the name and address of his employer. If the registrant is employed on a farm, orchard, or ranch, or is a full-time student, or is unemployed, he need not fill out this blank. Had the petitioner, for ex-

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ing the local board of any change in the address of the registrant. There is, for example, no space in the questionnaire to indicate the "name and address of person who will always know your address," as there is on the original Registration Card (SSS Form No. 1, *infra*, pp. 69–70), and no distinction is made in the questionnaire between the residence address and mailing address, such as is found on the Registration Card.

Clearly, there is no general requirement that the registrant enter his "business address," nor is there any space denominated as such in this form.

ample, remained a student, as indicated on his Registration Card, he would not have been required to fill out Series VIII (p. 4, SSS Form No. 100, *infra*, p. 64), including the information relative to employment, but would have filled out instead Series XI (p. 6, *Ibid., infra*, p. 66) which relates particularly to students. The purpose of the questionnaire is to furnish information to the local board in order that it may be able to determine the registrant's proper classification[5] (R. 10). Thus, information on change of employment is requested because a registrant's employment might affect his classification (R. 21). Some occupational categories are deferred, and a change from such employment may subject the registrant to a change of draft status.[6]

3. *Subsequent procedures.*—After the Classification Questionnaire has been returned to the local board, the board proceeds to classify the registrant. If he fails to return his questionnaire within 10 days, or fails to provide his local board

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[5] This fact is pointed up by the following note at the end of Series VIII of the questionnaire:

"NOTE.—You may attach to this page a statement giving additional information which you think the local board should consider in determining your classification, which statement will then become a part of this questionnaire. Your employer may submit to the local board any information concerning your employment which he thinks the local board should consider in determining your classification."

[6] See 32 C. F. R. 1622.1–1622.65.

with the relevant information concerning his status that he has been requested or is required to furnish, the local board will nevertheless proceed with his classification. (32 C. F. R. 1623.1.)

A Notice of Classification (SSS Form No. 110, *infra*, pp. 71–72) is then mailed to the registrant (32 C. F. R. 1623.4) and such fact is noted on the registrant's Classification Record (SSS Form No. 102). This Notice of Classification, as well as the Registration Certificate (SSS Form No. 2, *infra*, p. 73), must be in the personal possession of the registrant at all times (32 C. F. R. 1623.5). The Notice of Classification bears the following instruction on its face:

> The law requires you: (1) to keep in touch with your local board; (2) to notify it of any change of address; (3) to notify it of any fact which might change your classification; (4) to comply with the instructions on the notice of classification part of this form.

After his classification, if the registrant is otherwise eligible for induction, a Notice to Registrant to appear for Medical Interview (SSS Form No. 219) is, if need be, mailed to him. When he reports, he is examined for physical defects that might disqualify him for active service (32 C. F. R. 1628.1–1629.1).

When the report of the medical examination of a registrant, together with the Certificate of Acceptability (NME Form 62), has been received by

the local board, the original of the certificate is mailed to the registrant, advising him whether or not he is physically acceptable for military service (32 C. F. R. 1628.25 (d) (2)). If a registrant is delinquent in complying with draft regulations or orders, he may be ordered to report for induction whether or not he is physically acceptable (32 C. F. R. 1631.7).

Thereafter, an Order to Report for Induction (SSS Form No. 252) is sent to the registrant, which specifies a date for reporting at least 10 days after the date on which the order is mailed (32 C. F. R. 1632.1, *infra*, p. 57). Registrants who are too far from their local board to report conveniently may secure a transfer to report to a nearer local board (32 C. F. R. 1632.9–1632.10).

B. The evidence adduced to support petitioner's conviction under count 2 of the indictment

Petitioner registered with Selective Service local Board 45, at 320 Magazine Street, New Orleans, Louisiana, on September 18, 1948 (R. 17). His registration card (Ex. G–1)[1] indicates his place of residence as "2309 Upperline, New Orleans, La."; his mailing address as "2309 Upperline, New Orleans, La.", and indicates the "name and address of person who will always know your address", as Dorothy Ward—2309 Upperline, New Orleans, Louisiana. His occupation is listed as

[1] The exhibits admitted in evidence at the trial have been lodged by us with the clerk of this Court.

that of "student,"[8] and his "place of employment or business" as Wilberforce University, Wilberforce, Ohio.[9] (See also R. 6–7.)

At the time of his registration (September 18, 1948) petitioner was not enrolled at Wilberforce University, Wilberforce, Ohio. He had, however, been enrolled at the College of Education and Industrial Arts, Wilberforce, Ohio, during the 1946–1947 school term (R. 12–14). In 1949 petitioner went to New York City, where for two months he lived with his aunt, Mrs. Vivian Short, at 204 West 149th Street (R. 22–23, 27). He did not notify his draft board in New Orleans of this change of address. (R. 22, 26.) He accepted employment with the New York Organizing Committee for Labor Youth League, 799 Broadway, New York City (R. 18, 24).

Thereafter, he moved to 206 West 149th Street and then to 72 West 107th Street, without notifying the draft board of either change of address (R. 23, 28), although he knew that he was required to do so (R. 33).

On June 7, 1949, the draft board sent a Classification Questionnaire (SSS Form No. 100, *infra,*

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[8] He listed as "nature of business," "journalism."

[9] At the time petitioner registered he was told to carry his registration certificate with him at all times and to keep the board advised of his residence (R. 7). The Registration Certificate (SSS Form 2, *infra*, p. 73) on its face bore an instruction that "The law requires you to have this card in your possession at all times for identification and to advise your Local Board of change of address."

pp. 61–68) to petitioner at 2309 Upperline Street, New Orleans (R. 8–9). When it was not returned, the board sent a letter of inquiry to petitioner at the same address (R. 9). On March 21, 1950, a duplicate questionnaire was mailed to petitioner at the same New Orleans address (R. 8–10; see also Ex. G–3, under space marked "Date of mailing questionnaire"). Petitioner's mother forwarded the duplicate questionnaire to him at the address of his aunt (Mrs. Vivian Short), 204 West 149th Street, New York City (R. 23). His father, who did not know where petitioner was living, and who feared that petitioner would not receive the questionnaire, went to New York City to locate petitioner and tell him that the questionnaire had been sent to him. The father learned from the aunt that petitioner was residing at 72 West 107th Street and visited him at that address. (R. 28.)

On March 30, 1950, petitioner returned the questionnaire (Ex. G–5) to his draft board (R. 9–10). Under the heading "Identification" on page 2, he gave as his address, 72 West 107th Street, New York City (R. 10). He executed the question on page 4 of the questionnaire under the heading "Present occupation," [10] and indicated as "the job I

[10] As noted, *supra*, pp. 8–9, not all registrants are required to execute that part of the form denominated "Series VIII—Present occupation," pp. 4–5, SSS Form No. 100, *infra*, pp. 64–65. Had petitioner continued as a student as indicated on his Registration Card he would have not executed the blanks relating to the address of an employer.

am now working at", "Harlem Chairman Labor Youth League"; as the kind of work he did, "organizing youth"; and he stated that he had been employed in this job for four months. Question 5 calls for the name, address, and business of his employer, which petitioner answered as follows:

5. My employer is:

"N. Y. Organizing Committee for Labor Youth League"

(Name of organization or proprietor, not foreman or supervisor; write "self" if self-employed.)

"799 Broadway, N. Y. C."

(Address or place of employment—Street or R. F. D. Route, City, and State.)

whose business is:

"Organizing"

(Nature of business, service rendered or chief product.)

Petitioner was not asked for a "business address," nor was he asked whether he worked at the same address as his employer.[11] The purpose of the questionnaire was to furnish the local board with information by which the registrant's proper classification could be determined (R. 10, 21).

On the Cover Sheet to petitioner's Selective

[11] Frequently a registrant does not work at the same place, as the address of his employer. A different address of the employer in the questionnaire therefore would not necessarily be a signal to the local board to change the 10th item of the Registration Card (SSS Form No. 1, *infra*, p. 69) which calls for the "Place of employment or business" [of the registrant].

Service file (Ex. G–3) the original address taken from his Registration Card (Ex. G–1) was 2309 Upperline Street, New Orleans. This is penciled out in red pencil, and under the first blank for "changes of address" (the only change so indicated) the address at 72 West 107th Street, New York City, was written in on March 30, 1950, on receipt by the local board of the questionnaire (R. 8, 10, 16; see also notation on Ex. G–3). Nowhere on the the Cover Sheet is there any data called for relating to the address of an employer (see R. 18).[12]

On April 27, 1950, petitioner was classified A–1 (R. 10). On April 28, a notice of this classification was sent to him at 72 West 107th Street, New York City, the address indicated on his Cover Sheet as being his current address (Ex. G–3; see also R. 10). He received this notice (R. 33). This Notice of Classification (SSS Form 110, *infra,* p. 71; see also Ex. G–6) bore a prominent notation on its face that "the law requires you, (1) To keep in touch with your local board; (2) to notify it of any change of address * * *."

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[12] In our brief in opposition we erroneously indicated that the name and address of petitioner's employer as originally indicated on his Registration Card had been written on the Cover Sheet (Ex. G–3) (see Br. in Opp. pp. 3–4). Not only was no address of an employer written on the Cover Sheet but there is no space on this or any of the forms to indicate a change of an employer's address.

A few days later petitioner moved to 680 St. Nicholas Avenue, New York City (R. 23, 28–29). He did not notify the draft board of this change of address although he knew he was required to do so (R. 28–29). At the trial petitioner could not recall whether he had left a forwarding address at any of the places from which he moved (R. 32–33).

On January 15, 1951, the draft board mailed to petitioner at the 72 West 107th Street address an order to report for a physical examination (R. 11–12). It was returned to the local board stamped "Returned to sender. Removed. Left no address" (R. 11).

The local board then, on January 25, 1951, wrote petitioner's mother, Mrs. Dorothy Ward (who was named on the registration card as the "person who will always know your address"; see Ex. G–1) requesting information as to petitioner's whereabouts (R. 12–14). She replied (Ex. G–13) on January 31, 1951: "I haven't heard from him and don't know where he is located. His last address that I know was 204 West 149, New York City. Since then I haven't heard from him" (R. 14). On February 2, the day the letter was received by the local board, this tentative address was written on the face of his Cover Sheet (Ex. G–3) lightly in pencil (R. 15).

An attempt was made to reach petitioner at the address given by his mother for the purpose of

cautioning him that he had failed to notify the board of his change of address, and to advise him that an order to report for induction would follow. This letter was returned stamped "Not at address given" (R. 15).

The local board then wrote to Wilberforce University, Wilberforce, Ohio, which petitioner's Registration Card (used as a locator card by the local board; Ex. G–1) showed to be the "place of [his] employment or business." Wilberforce University replied that petitioner was not registered there, and suggested that the board write to the College of Education and Industrial Arts, Wilberforce, Ohio (R. 13). On March 6, 1951, the local board wrote to the College of Education and Industrial Arts, Wilberforce, Ohio, requesting information as to petitioner's whereabouts (R. 13–14, 19). A reply was received by the board on March 19, 1951, stating that petitioner had been enrolled there during the school year 1946–1947, but that the institution was unable to furnish any more information about him (R. 14).

On March 26, 1951, the local board mailed to petitioner at the 72 West 107th Street, New York City address, an Order to Report for Induction (Ex. G–16), which was returned stamped "Return to sender. Moved. Left no address" (R. 15, 19).

The local board then reported to the United States Attorney that petitioner was a draft

delinquent (R. 16–17). He was arrested by F. B. I. agent Maloney on May 31, 1951, at 799 Broadway, New York City, where he worked (R. 22–23). He had worked at this address for the Labor Youth League from 1949 until his arrest (R. 24).

At the trial, petitioner, the only defense witness, admitted that he knew he was required to keep the local board informed of his current address (R. 29–30, 33), but that he did not report changes in his address (R. 26–29). He testified that he relied on the board to contact him at his employer's address because his roommate had been contacted at his place of employment by his draft board (R. 34). He testified that he was in the habit of receiving mail at his employer's address, 799 Broadway, New York City, and introduced several envelopes addressed to him at this address (R. 24–25). He admitted that he never spoke to his employer about receiving mail there (R. 32).

Petitioner's counsel introduced in evidence envelopes addressed to petitioner at 204 West 149th Street, New York City, where his aunt lived (R. 25). Petitioner testified that he had informed his aunt to keep his mail (R. 32), and that he picked it up from time to time (R. 31–32), but he did not explain why the letter from his local board was returned. He testified that he knew that the local board had the 204 West 149th Street

address for he had received mail from the board at that address (R. 31).[13]

Petitioner contended that his mother always knew where he was living (R. 27), and that her failure to properly inform the board may have been due to excitement (R. 36). He admitted, however, that his father did not know his address in 1949 when he went to New York City to inform petitioner that the Classification Questionnaire had been sent to him (R. 28). Petitioner testified that as far as he knew the draft board's letters constituted all of the mail that he did not receive (R. 36).

The District Court carefully instructed the jury that in order to convict petitioner it must find that petitioner knowingly and intentionally violated the regulation requiring him to keep his local board advised of an address where mail would reach him. The court charged (R. 40–41):

> * * * the Court accordingly instructs the jury that the Act does not denounce as criminal, every failure to perform a duty imposed by the statute or regulations, but only seeks to punish a person "who shall knowingly fail or neglect" his duty. There must be a specific wrongful intent. An actual knowledge of the existence of an ob-

[13] The 204 West 149th Street address was furnished the local board by petitioner's mother on February 2, 1951 (R. 14), after the board began its endeavors to inform petitioner of the order to report for a physical examination. No letter from the Board addressed to petitioner at this address was received or accepted, by him.

> ligation and a wrongful intent to evade it is of the essence. Before this defendant can be found guilty this jury must be convinced beyond a reasonable doubt not only that he has failed to keep his board advised of his address where mail would reach him but also that he knowingly failed to do so. Unless the element of knowledge on the part of the defendant is found by you as a fact to have existed, or if you have a reasonable doubt of its existence, it will be your duty to acquit the defendant. The intent and motives of the defendant are the most important factors in this case.
>
> * * * * *
>
> * * * Before you can convict the defendant you must find from the evidence beyond a reasonable doubt that he had both knowledge of, and a specific intent to commit the offense charged.

In addition, the court charged, as requested by petitioner, that (R. 42):

> * * * if you find from the evidence that the defendant furnished to said Board one or more of his correct addresses at which mail would be delivered to him, he is not guilty, and you must find a verdict of acquittal.

On appeal, the Court of Appeals affirmed petitioner's conviction and sentence, holding that no error had been committed at the trial and that there was ample and substantial evidence to support the verdict (R. 50).

SUMMARY OF ARGUMENT

I

The jury found, under proper instructions as to the law, that petitioner had knowingly failed, during the period charged in the indictment, to keep his local Selective Service Board informed of an address where mail would reach him, and that he had a specific intent not to perform that duty. This finding is supported by ample evidence that he not only failed to furnish the board with his current address during the period set forth in the indictment, but that he had persistently failed to perform that duty on other occasions over a long period of time previous thereto. Selective Service regulations and forms, as well as the admonition of the registrar at the time of registration, brought to petitioner's attention his unequivocal duty to furnish his board with an address at which or through which he could be promptly notified of each stage of the Selective Service procedure. Nevertheless, on repeated occasions, he not only failed to notify his board of changes of address, but he failed to leave forwarding addresses through which he could be located. After considerable effort, over a period of several months, he was located through independent information, and a questionnaire was then given to him on which he indicated, among other questions submitted for the purpose of

classification, an address as his mailing address at that time, and in connection with a question as to employment, listed his employer's address. Later, after a subsequent move when he failed again to notify his board of his current address or leave a forwarding address (and such failures were not corrected during the period charged in the indictment), his board made repeated attempts to locate him through all of the addresses which his file showed to be his own, including the one indicated as his current address on his Classification Questionnaire, and all the addresses shown on his Registration Card and Cover Sheet. Having failed to locate him, the board reported his delinquency to the United States Attorney and arrest followed. His contention that he was ignorant of the law and assumed that his supplying the address of an employer on a Classification Questionnaire would fulfill his duty to keep the board informed as to his address, is foreclosed by the jury's finding that petitioner knowingly, and with intent to do so, failed to furnish the board with his current address during the period set forth in the indictment.

II

There is no substance in petitioner's contention that as a matter of law he has satisfied his duty as a registrant to keep his board informed of his own current address if, somewhere in his

file there is an employer's address through which he might be located after other efforts of the board have failed to locate him through the addresses last indicated by him as his own. This proposition has no support in the statute or regulations. The obvious purpose of the statute and regulations is to place on the registrant the burden of furnishing his own mailing address to the board, and to make his failure to perform that duty punishable. There is no legal basis for the theory that the board must exhaust all leads which can possibly be found to locate a registrant before he can be charged as a delinquent. Such a burden, if shifted to the board would not only slow down the whole procedure of registration, inspection, classification, selection, and induction, but would put a premium on laxity in the performance of a registrant's duty during a critical period of war emergency.

The cases cited by petitioner, including *Bartchy* v. *United States,* 319 U. S. 484, fail to establish his position. They involved the question whether a mailing address, given as the address where mail would reach the registrant, was in fact such an address. Those cases have no bearing on the facts in the instant case because here concededly no current mailing address was furnished to the board.

The experiences with delinquents during World Wars I and II indicate that the regulations were

framed to discourage delinquency by providing that each registrant keep current an address, denominated as such, in the files of his local board through which he can be reached without undue delay.

III

Petitioner's contention that the evidence was insufficient because the local board did not send mail to him during the period March 30, 1951, to May 31, 1951, charged in the indictment, is but an attempt to reargue the evidence. By the beginning of this period, the local board had exhausted every address indicated as petitioner's own mailing address in petitioner's file. It was clearly not incumbent on the board to continue to send mail to addresses indicated by petitioner after it had ascertained that he was no longer at such places, and had left no forwarding addresses when he had moved. The evidence shows that during the period set forth in the indictment petitioner failed, as he had previously done on several occasions, to furnish his board a mailing address through which he would receive his mail directly or by the forwarding process.

ARGUMENT

I

THE QUESTION WHETHER PETITIONER KNOWINGLY FAILED OR NEGLECTED "TO KEEP HIS LOCAL BOARD INFORMED AS TO HIS CURRENT ADDRESS" IS A QUESTION OF FACT WHICH HAS BEEN FINALLY RESOLVED AGAINST HIM BY THE JURY UNDER PROPER INSTRUCTIONS

Under the trial court's instructions, the jury, in order to convict petitioner, had to be convinced beyond a reasonable doubt "not only that he has failed to keep his board advised of his address where mail would reach him but also that he knowingly failed to do so." The trial judge charged that there must have been a specific wrongful intent to evade a known obligation.

We submit that, as the court below held (R. 50), "* * * it is plain that there was ample and substantial evidence to support the verdict; and this being so, it should not be disturbed."

The evidence plainly shows that petitioner over a long period of time knowingly failed to notify his draft board of his then current address, failed to leave forwarding addresses through which he could receive his mail (and such failures were not corrected during the period charged in the indictment), and failed even to notify his parents of his whereabouts. The reasonable inference to be drawn from this evidence of prolonged refusal to perform the affirmative duty of notifying his

board of his current address, is that petitioner purposefully endeavored to make it difficult or impossible for letters from his board to reach him in order that he might delay, or possibly avoid, being called for military service.

The Selective Service regulations impose a duty on each registrant "to familiarize himself with the rules and regulations governing registration and to comply therewith" (32 C. F. R. 1611.6 (a), *infra*, pp. 54–55). They also require that the registrar fully instruct each registrant as to what information is required and to make certain that each registrant fully understands what information he is under a duty to furnish (32 C. F. R. 1613.11 (c), *infra*, p. 55). The registrar is required to "take extreme care that the place of residence of the registrant is correctly entered on line 2 of the Registration Card * * *", and "shall make sure that the correct mailing address of the registrant is entered on line 3 * * *" (32 C. F. R. 1613.12, *infra*, pp. 55–56). Lest any doubt arise as to the function of the mailing address, the regulations provide (32 C. F. R. 1613.12 (b), *infra*, pp. 56–57):

> * * * It should be made clear to the registrant that he should give as his mailing address an address normally regarded by him as a permanent address at which he would expect to receive important communications. The registrar shall advise the registrant that a correct mailing address is most important because it is the

> address to which all notices to the registrant will be sent, and that he must advise his local board each time there is a change in his mailing address.[14]

At the time petitioner registered with a local Selective Service board in New Orleans, Louisiana, on September 18, 1948, he was informed by the registrar that he must keep the board advised of his residence. His Registration Certificate, which he was required to have in his possession at all times after receipt, informed him in bold type that the law required him to "advise your Local Board of change of address."[15]

Yet, shortly after registration, petitioner, with the admonition as to his duty presumably still fresh in mind, moved to New York City without notifying his local board in New Orleans of this

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[14] Section 15 (b) of the Selective Service Act (*infra*, p. 53) requires the registrant to "keep his local board informed as to his current address and changes in status * * *," and the Selective Service regulations simply provide (32 C. F. R. 1641.3, *infra*, p. 58) that "it shall be the duty of each registrant to keep his local board advised at all times of the address where mail will reach him."

This regulation also provides that "the mailing of any order, notice, or blank form by the local board to a registrant *at the address last reported by him* to the local board shall constitute notice to him of the contents of the communication, whether he actually receives it or not." [Italics supplied.]

[15] This form, as do other Selective Service forms, imposed upon petitioner requirements which are made part of the Selective Service regulations by reference (32 C. F. R. 1606.51, *infra*, p. 54).

change of address. Thereafter, on two other occasions, when he moved his residence in New York, he failed to notify the local board of any change of address from the New Orleans address he had originally indicated on his Registration Card.

It took nearly ten months for the Selective Service Board to place a Classification Questionnaire in petitioner's hands[16]—a function that is usually performed in a few days.[17] On March 30, 1950, petitioner returned his Questionnaire. Upon its receipt, the registrar of the local board took the current address indicated on page 2 of this Questionnaire (Ex. G–3) and put it on petitioner's Cover Sheet under the first space of seven provided for changes of the registrant's address.

At this juncture petitioner's records in the board's files plainly reflected his address as 72

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[16] A questionnaire was mailed to him on June 7, 1949, at his "mailing address," 2309 Upperline Street, New Orleans, and when no response came from it, a letter of inquiry was addressed to him on October 18, 1949, at the same address. On March 21, 1950, a duplicate questionnaire was mailed to the New Orleans address, which petitioner's mother forwarded to his aunt in New York (R. 8–10, 23). His father, who did not know where petitioner was living, went to New York from New Orleans to tell him that the questionnaire had been sent to him. The father only learned his son's whereabouts on arrival through the aunt. The father then visited the son at 72 West 107th Street (R. 28).

[17] Unless the local board grants an extension of time on reasonable request therefor, the registrant must return the questionnaire "within 10 days after the date on which it is mailed to him" (32 C. F. R. 1621.10).

West 107th Street, New York, New York, and there was nothing to indicate to the contrary. True, he had furnished on page 4 of his Questionnaire the name of an employer for whom he indicated that he had worked for the previous four months, and had given the address of this employer. But in no place did he indicate that he intended to use the address of his employer as his own mailing address. Although petitioner conceives of the primary question here presented as being whether a "business address" will suffice to satisfy the address-notification requirement (Pet. Brf. 8–9), petitioner was not asked by the Questionnaire what his "business address" was. Had he been unemployed, a student, or a farm worker, he would have had no occasion even to supply the address of an employer.[18] Clearly, such information, which is sought purely for purposes of classification (and not to supply notice of a change of address),[19] did not effectively notify the local board that thenceforth his mailing ad-

[18] The nature of employment is a question highly pertinent to classification. A change of employment might give rise to a termination of eligibility for deferment, or might provide grounds for the granting of a deferment or exemption from military duty (see 32 C. F. R. 1622.22–1622.24).

[19] It is apparent on looking at the pertinent Selective Service forms, Appendix B, *infra*, pp. 61–74, that a registrant's address would ordinarily be ascertained by recourse to two sources, (1) the Registration Card filed in a locator file by the board, and (2) the Cover Sheet which is itself filed in sequence, and which, by providing spaces for changes of address, reflects at all times the registrant's current address.

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dress would be the same as that of his employer. The instruction concerning registrants' employers, like those contained in other Selective Service forms, must be read in its own context. Cf. *United States* v. *Wain*, 162 F. 2d 60, 64 (C. A. 2), certiorari denied, 332 U. S. 764. Nowhere in his file is there any indication that petitioner desired to use the employer's address as his personal address, or that the employer had consented to turn mail over to him. On the contrary, petitioner indicated on page two of his Questionnaire that "My address now is 72 West 107th Street," New York City. That is the address which was put on his Cover Sheet as a "Change of address" (Ex. G–3).[20]

On April 27, 1950, petitioner was classified A–1, and was so notified on April 28th by a notice sent to him at 72 West 107th Street which he received there. Again he was warned by instructions printed in bold type on the notification form (Ex. G–6) that: "the law requires you, (1) to keep in touch with your local board; (2) to notify it of any changes of address; * * *". Only a few days later he moved to 680 St. Nicholas Avenue, New York City and again failed to notify his draft board of this change of address (R. 29).

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[20] At the time petitioner executed his Questionnaire, Instruction No. 5 on its face advised him (SSS Form No. 100, *infra*, p. 61): "After this questionnaire has been returned, report to your local board at once any change of address * * *."

From January 15, 1951, to March 26, 1951, his local board attempted to contact petitioner but was unsuccessful. On January 15, 1951, an order to report for a physical examination was sent to him at 72 West 107th Street, which his Cover Sheet showed to be his then current address. It was returned stamped "Returned to Sender. Removed. Left no address." His mother (indicated on his Registration Card as the person who would always know his address) did not know his address or whereabouts. Other attempts were made to find him but to no avail. Finally, on May 31, 1951, he was arrested by the F. B. I. as a draft delinquent.

We do not understand that petitioner now urges that he kept his local board informed of his changes of address. He admitted that he knew the regulations required him to do this and conceded that he had failed to do so. He knew that the local board understood that his mailing address was 72 West 107th Street, for he admitted that he had received his Classification Notification at that address. Yet he changed his residence (and mailing address) without informing the board or leaving a chain of forwarding addresses through which he could be reached.

His contention is that despite such failure he satisfied the duty imposed by law upon him when he supplied an employer's address through which his local board might have eventually reached

him after it had ascertained that he was no longer at the mailing address that he had previously furnished and designated as such to the board. This, we submit, is merely a reargument of the factual issue resolved by the jury, *i. e.*, "that he has failed to keep his board advised of the address where mail would reach him," and "that he knowingly failed to do so" (R. 40). The evidence is convincing that over a long period of time, in addition to the period covered by the indictment, petitioner continually failed to perform an affirmative duty which the law imposed on him and which as an educated man, he must have understood.

The Selective Service regulations are not couched in terms that make them traps for the unwary; nor are they so technical that all registrants cannot understand their clear purport. It is difficult to conceive how petitioner could have been under the misapprehension that the furnishing of his employer's address in the Questionnaire would satisfy the requirement of the regulations that he "keep his local board advised at all times of the address where mail will reach him" (32 C. F. R. 1641.3, *infra*, p. 58). For many months prior to his execution of this Questionnaire, the local board had not been correctly informed as to petitioner's address or place of employment. And after he returned his Questionnaire, which had reached him only

after long delay and great effort on the part of his local board, that board reasonably enough attempted to reach him through the address indicated on his Cover Sheet as his mailing address (Ex. G–3). Having failed to locate him through that address, the board then tried to locate him through his mother, the person whom he had indicated on his Registration Card as the one who would always know his address. Thereafter, the board attempted to locate him through the address supplied by his mother, but again was unsuccessful. Other unsuccessful endeavors were made to locate him through the university that he had indicated on his Registration Card (Ex. G–1). Many months were consumed in abortive attempts to find petitioner, who at all times had been apprised of his duty to keep in contact with his draft board, and whose record, from start to finish, indicates a consistent pattern of reckless disregard of, and willful refusal to comply with, reasonable regulations.

The board had sent petitioner's Notice of Classification (Ex. G–6) to 72 West 107th Street, and he admittedly received it there (R. 33). The fact that he knew that his board had contacted him at this address, negatives his repeated assertion (see, *e. g.*, Pet. Brf. pp. 8–9, 11) that he believed that the giving of his employer's address satisfied the requirement of the regulations. That other persons sent letters to him at the address of his employer (Ex. D–1) is irrelevant,

because, as stated above, he never indicated and the evidence sustains an inference that he never intended that his Selective Service notices should be sent to the address of the employer. The situation of his roommate (Pet. Brf. p. 11) has no bearing on the instant case—the roommate may well have given his employer's address as his own mailing address. Nor does the situation of his roommate rebut the jury's finding that this petitioner knowingly and with specific intent to do so, failed to notify his board of an address where mail would reach him.

No plea of ignorance of the law can overcome the explicit proof of petitioner's failure to furnish his board with a current address where mail would reach him (either directly or by forwarding), in the face of the jury's finding, under careful and proper instructions of the trial judge, that his knowing failure to inform the board was accompanied by a specific intent not to furnish such address. The existence of intent is, of course, a question for the jury (*United States* v. *Hoffman*, 137 F. 2d 416, 419 (C. A. 2), and petitioner's claim that he honestly believed (when he supplied the address of an employer in his Questionnaire) that he was fulfilling his duty to supply his board with a current address, is foreclosed by their finding. *Morissette* v. *United States*, 342 U. S. 246, 273–276; *United States* v. *Weiss*, 162 F. 2d 447 (C. A. 2), certiorari denied, 332 U. S. 767. See also *United*

States v. *Wain*, 162 F. 2d 60, 64 (C. A. 2), certiorari denied, 332 U. S. 764. A jury may reject defense testimony that an act in violation of law was committed under an honest mistake of law, where the Government's evidence supports an inference of a criminal intent. *United States* v. *Virzera*, 149 F. 2d 188, 189 (C. A. 2), certiorari denied, 326 U. S. 721. The direct evidence of petitioner's knowing failure to keep his local board informed of his current mailing address during the period charged in the indictment, supported by the inference of his intent to violate the law which is implicit in the uncontroverted proof that he had persistently failed to so inform the board on previous occasions, furnishes ample evidentiary basis for the jury's verdict. The probative sufficiency of the evidence has the support of both the trial court and the court below. In the circumstances, there is no warrant for disturbing the jury's finding here. *Delaney* v. *United States*, 263 U. S. 586, 589–590; *United States* v. *Johnson*, 319 U. S. 503, 518.

II

PETITIONER'S OFFENSE IS NOT EXCUSED BY ANY FAILURE OF THE LOCAL BOARD TO EXHAUST EVERY POSSIBLE LEAD THROUGH WHICH IT MIGHT HAVE LOCATED HIM

Petitioner urges (Pet. Brf. pp. 8–10) that as a condition precedent to the present prosecution it was incumbent on his local board, after ascer-

taining that he could not be reached at or through the mailing address he had previously supplied, to search him out through the address of his employer included in his Questionnaire filed a year before with numerous papers in his Selective Service file. It is difficult to perceive how this defense could be an effective answer to his own willful disobedience of the positive requirement that he keep his local board advised of his *own* current address. The offense was complete when, during the period of time set forth in the indictment, petitioner failed to keep his local board advised of a mailing address, designated as such, where his mail would reach him directly, or through a forwarding arrangement by which it might reasonably be expected to be in his hands in time for compliance with the board's orders.

Having failed to perform his duty, petitioner cannot thereafter complain of some omission of his board in failing to follow all possible leads in tracking him down. He should not be permitted to strew confusion in his own wake, and then contend that he should be absolved from liability to prosecution because the local board did not tolerate more delay by exhausting every conceivable source through which he might have been located, or by gleaning from his papers, and making use of, every clue that might eventually have disclosed his whereabouts. The local board was under no such duty. The Selective Service Regulations, being designed to operate

during a period of national emergency, demand that each registrant keep his board informed of an address through which he can be quickly reached for service. This duty is clear. Its mandate is framed with preciseness in order to preclude the studied evasions of recalcitrants who attempt to put themselves beyond the ability of their boards to reach them.

This duty is not to be evaded through interpretations which permit such negative action or indirect compliance by a registrant as to cause inordinate delays and render nugatory the effectiveness of the Act and regulations. Thus, a registrant may not enlist in a friendly foreign army and thereafter ignore his address-notification duty on the assumption that he is qualified for exemption from service, even if the enlistment would so qualify him. *Stumpf* v. *Sanford,* 145 F. 2d 270 (C. A. 5), certiorari denied, 324 U. S. 876. Nor may a registrant avoid actual notification with impunity by failing to call for his mail at the address last furnished by him. *United States* v. *Haug,* 150 F. 2d 911 (C. A. 2). Nor will a delinquent registrant be permitted to use as a defense a procedural error made by his board, which does not underlie or excuse his own nonfeasance. *United States* v. *Fratrick,* 140 F. 2d 5 (C. A. 7); see also *United States ex rel. Bergdoll* v. *Drum,* 107 F. 2d 897, 900–901 (C. A. 2), certiorari denied, 310 U. S. 648. The same considerations likewise compel the conclusion that

the supplying by a registrant of information which does not purport to be his own address will not excuse his failure to perform the positive duty imposed on him by the Selective Service Act and regulations to keep his board informed of his own current address.

The regulations specify the steps to be followed when a registrant has become a delinquent. There is an entire part (32 C. F. R. 1642) devoted to the subject, one of the directory provisions of which (1642.41 (b), *infra*, p. [illegible]) reads in pertinent part, as follows:

> In endeavoring to locate and to secure the compliance of a delinquent prior to reporting him to the United States Attorney, the local board should contact the delinquent and the "employer" or "person who will always know" the delinquent's address, *as shown on the Registration Card* (SSS Form No. 1), or any other person likely to know his whereabouts. * * * [Italics supplied.]

The Selective Service Board in the instant case followed this procedure generally in an attempt to locate petitioner.[21] But it was not mandatory

[21] The board, in addition to other sources, directed a letter to Wilberforce University falsely given by petitioner as the name of an employer on his Registration Card (Ex. G–1). Finding that petitioner had never enrolled there, the board then, at the suggestion of Wilberforce University, directed a letter to the College of Education and Industrial Arts, Wilberforce, Ohio, where he had been enrolled during the 1946–1947 school term but which, the board learned, he had long since left.

upon the board, or a condition precedent to the prosecution of petitioner that it follow any particular procedure in attempting to locate him after it had learned that he had repeatedly failed to supply his current address and was again delinquent. Another regulation under part 1642 of Title 32, *viz,* § 1642.3, *infra,* p. 59, relating to delinquents, provides as follows:

> *Compliance with procedures of this part not condition precedent to prosecution.* Compliance by a local board or any other agency of the Selective Service System with any or all of the procedures prescribed by this part is not a condition precedent to the prosecution of any person under the provisions of section 12 of the Selective Service Act of 1948.

Consequently, the failure of the local board to follow up every clue to petitioner's whereabouts, to be found in his file or elsewhere, before reporting petitioner's delinquency to the United States Attorney, would not excuse petitioner's own violation and would not constitute a valid defense. Cf. *Seele* v. *United States,* 133 F. 2d 1015, 1020 (C. A. 8).

Petitioner urges, in support of his contention that the supplying of an employer's address suffices to fulfill his address-notification requirement, the decision of this Court in *Bartchy* v. *United States,* 319 U. S. 484, where it was held that the address-notification requirement is satisfied

(p. 489) "when the registrant, *in good faith,* provides a chain of forwarding addresses by which mail, sent to the address which is furnished the board, may be by the registrant reasonably expected to come into his hands in time for compliance." [Italics supplied.] Since there is evidence that petitioner in the instant case neither provided such a chain of forwarding addresses, nor acted "in good faith," that holding has no relevance here.[22] Nor do *United States* v. *Trypuc,* 136 F. 2d 900 (C. A. 2), and *United States* v. *Haug, supra,* also cited by petitioner, support his position. In the *Trypuc* case, the Court of Appeals reversed a conviction for knowingly failing to keep a draft board advised of an address, where the trial court had omitted to instruct the jury that they must find that the defendant "knowingly" failed to

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[22] The *Bartchy* case recognized the practical fact that persons who are highly mobile, as are sailors, cannot be expected to supply a fixed address when their occupation demands that they remain in one place only a very short time. Cf. *United States* v. *Haug, supra.* All that is demanded is that the last address that they supply be one through which mail will be forwarded to them in reasonable time for compliance.

The Selective Service regulations established at the time of World War I were similarly construed. They were held not to demand that registrants remain in their homes or places of legal residence until drafted into the service, but only that they keep in touch with their local boards and supply a current address which insured prompt compliance with any necessary orders. *United States ex rel. Feld* v. *Bullard,* 290 Fed. 704 (C. A. 2), certiorari denied, 262 U. S. 760; *United States* v. *Block,* 262 Fed. 205 (D. Ind.).

keep his board so advised.[23] The *Haug* case involved a Norwegian sailor who indicated as his address on his Registration Card the "Seamen's Church Institute" in New York where he lived at the time but from whence he shipped out to sea, being absent most of the time during the periods relevant to the case. Haug's defense was that the Selective Service notifications delivered to the Institute were sent under an erroneous name and would not have been delivered to him even had he called for his mail. The Court of Appeals held that the issue of whether, under such circum-

[23] The Court of Appeals for the Second Circuit in *United States* v. *Guertler*, 147 F. 2d 796, certiorari denied, 325 U. S. 879, in distinguishing its holding from *Trypuc*, said (p. 797): "The defendant urges as another basis for reversal the failure of the judge to charge that the jury was to consider 'whether the defendant in good faith kept or intended to keep in touch with his sisters and believed that they would hold for him any communication sent by the selective service board.' Here the defendant relies on our decision in *United States* v. *Trypuc*, 2 Cir., 136 F. 2d 900. But the error we found there was the charge of the district judge to the effect that the failure of the defendant to notify the board of his correct address was a crime. We pointed out that the issue was not the correctness of the address, but 'whether the appellant "knowingly" failed to keep the Board advised of an address where mail would reach him.' In the case at bar, the judge read the regulation to the jury, and further pointed out that he was 'not concerned with what his address is * * * it is for you to determine whether he complied with this regulation or whether he wilfully and knowingly and unlawfully failed to comply with it.' The trial judge, having sufficiently stated the applicable rule of law, did not err in failing to charge as the defendant asserts he should have charged."

stances, Haug had kept his draft board advised, depended on whether it was Haug's intent to call at the Institute for his mail from time to time.

The *Haug* case, however, and indeed the *Bartchy* and *Trypuc* cases also, involved the question whether the address actually given as the registrant's mailing address was in fact an address where he could reasonably expect that mail would reach him. Here, the question is whether, despite petitioner's failure to keep current the address specified as the one where mail would reach him, his duty to notify his board was nevertheless satisfied by his indicating in a questionnaire the address of an employer, not as his own mailing address, but merely as describing the location of his employer's business.

Petitioner cites no authority, and we have found none, to support his theory that furnishing an employer's address without more satisfies, as a matter of law, the address-notification requirement in a situation where an entirely different address is specified and stated positively to be the place where mail will be received.

It is clear, on the other hand, that the requirement that each registrant keep his local board currently informed of an address through which mail will reach him, was not intended to require less than full compliance. It was patently not intended to permit a registrant to avoid detection with impunity for the considerable period which is involved in

tracking him down through sources other than his own mailing address as indicated on his registration card of his Cover Sheet. Evidence of this is found in the circumstances which gave rise to the address-notification requirement.

At the time of World War I, very stringent regulations were promulgated defining each registrant's duty. The registrant, as he does today, filled out a registration card which called for the "permanent home address" of the registrant. P. M. G. O. Form No. 1, reproduced at p. 69, Forms Required to Be Used By the Selective Service Regulations of June 30, 1917, Nov. 8, 1917 and Sept. 16, 1918, War Department, Office of the Provost Marshal General. An instruction sheet (p. 62, *ibid.*) explained this item as follows:

> 2. Home address.
>
> This means the place where you have your permanent home, not the place where you work. * * *

The registrant was thereafter served with a questionnaire [24], which he was required to execute and return. Some of the procedure was very similar to that which obtains under the present regulations. Each notice was mailed to the registrant, and he was charged with compliance therewith at the peril of criminal prosecution for noncompliance.[25]

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[24] Form 1001B—P. M. G. O., pp. 180–196, *ibid.*

[25] Rule 6 of the General Rules and Regulations of the Selective Service (Vol. 2, Selective Service Rules, Regulations and Instructions, 1917–1919, War Department, Office of the Provost Marshal General) provided that all registrants were

Unlike the procedure today, however, the mailing of a notice and a registrant's receipt thereof, were irrelevent facts in a subsequent prosecution for noncompliance, because the regulations charged the registrant with constructive notice of each step in this procedure, and notice of each step was publicly announced through bulletins posted at the local boards. And he was not only charged with notice of each step—if he failed to supply information through which he could be located, he was automatically inducted, *in absentia,* and there-

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charged with knowledge of the regulations which had the force and effect of law. This rule also provided as follows:

"* * * Failure by any registrant, or by any person required to be registered, to perform any duty prescribed by the Selective Service Law or by these Rules and Regulations, whether or not the time of the performance of such duty is required by these Rules and Regulations to be posted or entered in the records of the Local or District Board, and whether or not formal notice is required by these Rules and Regulations to be given (such as registering and reporting change of status and other duties), is a misdemeanor, punishable by imprisonment for one year, and may result in loss of valuable rights and privileges and immediate induction into the military service; * * *."

Rule 6 was issued pursuant to Section 6 of the Act of May 18, 1917, 40 Stat. 76, 80–81, providing in pertinent part that:

"Any person charged with the duty of carrying into effect any of the provisions of this Act or the regulations made * * * thereunder who * * * in any manner, shall fail or neglect fully to perform any duty required of him in the execution of this Act, shall, if not subject to military law, be guilty of a misdemeanor, and upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than one year, or if subject to military law, shall be tried by a court-martial and suffer punishment as a court-martial may direct."

after, upon apprehension and a showing that his neglect was based on an intention to avoid military service, he was tried by a court-martial as an army deserter.[26] Cf. *United States ex rel. Bergdoll* v. *Drum,* 107 F. 2d 897 (C. A. 2), certiorari denied, 310 U. S. 648; *United States* v. *McIntyre,* 4 F. 2d 823 (C. A. 9); *United States ex rel. Feld* v. *Bullard,* 290 Fed. 704 (C. A. 2), certiorari denied, 262 U. S. 760; *United States ex rel. Helmecke* v. *Rice,* 281 Fed. 326 (S. D. Texas); *Ex parte Bergdoll,* 274 Fed. 458 (D. Kansas); *United States* v. *Block,* 262 Fed. 205 (D. Ind.).[27] Thus, the history of the address-notification requirement shows that self-invoked delays on the part of registrants were not contemplated; nor, in fact, were they tolerated.

At the time of the passage of the Selective Training and Service Act of 1940, 54 Stat. 885–897, it became necessary to establish machinery that would insure a prompt transferal of the national manpower to war activities. In *Falbo* v. *United States,* 320 U. S. 549, this Court said of this transition (pp. 551–552, 554):

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[26] See Sections 3 and 5, Mobilization Regulations of August 8, 1917, Vol. I, Selective Service Rules, Regulations and Instructions, 1917–1919, War Department, Office of the Provost Marshal General. See also pp. 5–6, section 7 of the General Rules and Regulations, contained in Vol. II of the same work.

[27] See the considerable body of case law involving this and related issues under the World War I Selective Service regulations collected at 129 A. L. R. 1171–1209.

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When the Selective Training and Service Act was passed in September, 1940, most of the world was at war. The preamble of the Act declared it "imperative to increase and train the personnel of the armed forces of the United States." The danger of attack by our present enemies, if not imminent, was real, as subsequent events have grimly demonstrated. The Congress was faced with the urgent necessity of integrating all the nation's people and forces for national defense. That dire consequences might flow from apathy and delay was well understood. Accordingly the Act was passed to mobilize national manpower with the speed which that necessity and understanding required.

* * * * *

* * * To meet the need which it felt for mobilizing national manpower in the shortest practicable period, Congress established a machinery which it deemed efficient for inducting great numbers of men into the armed forces. Careful provision was made for fair administration of the Act's policies within the framework of the selective service process. But Congress apparently regarded "a prompt and unhesitating obedience to orders" issued in that process "indispensable to the complete attainment of the object" of national defense. *Martin* v. *Mott,* 12 Wheat. 19, 30. * * *

Under the 1940 Act, the regulations were again drawn in the imperative language that the situation demanded, despite the fact that they contained a moderate degree of liberalization. The framers, perhaps with the *Bergdoll* cases in mind,[28] eliminated the provisions for automatic induction whereby a person who furnished his local board with no current address, might nevertheless be brought into the service *in absentia* and then tried by a court-martial as a deserter from the army on the theory that he had had constructive notice of each stage of the procedure.[29] But the regulations were never liberalized to the point of casting the burden of locating registrants on local boards. The ad-

[28] See *United States ex rel. Bergdoll* v. *Drum*, *supra*, 107 F. 2d 897; *Ex parte Bergdoll*, *supra*, 274 Fed. 458.

[29] While the instant punishment imposed on petitioner is three years' imprisonment (R. 5), it should be borne in mind that under World War I regulations he could have been automatically inducted when an attempt to locate him at his last address failed. Thereafter, if a proper showing of intent to avoid military duty were proved, he could have been tried by a court-martial as a deserter, subject to capital punishment if he should be found guilty of desertion during wartime (see Article of War 58, 10 U. S. C. 1530); cf. footnote 25, *supra*.

Examples of actual sentences imposed by courts-martial in World War I cases of that character are shown in the following cases: *United States ex rel. Helmecke* v. *Rice*, 281 Fed. 326 (S. D. Texas; dishonorable discharge and five years imprisonment); *Ex parte Bergdoll*, 274 Fed. 458 (D. Kansas; four years imprisonment); *United States ex rel. Young* v. *Lehman*, 265 Fed. 852 (D. C. Md.; five years imprisonment); *Ex parte Dunn*, 250 Fed. 871 (D. C. Mass.; 20 years imprisonment).

dress-notification requirement was explicitly framed so as to insure that each registrant would be promptly reached without the tedious and time-consuming task of corresponding with a number of possible sources of information in a trial and error attempt to reach him.

The Selective Service Act of 1948 was passed in an attempt to raise the strength of the armed forces to over two million from a figure considerably under that (H. Rep. 1881, 80th Cong. 2d sess., pp. 2–3). A total of 1,669,000 new men were needed for 1949 alone (S. Rep. 1268, 80th Cong., 2d sess., p. 4). Hence, speed was a major necessity and the regulations issued under the Act were couched in terms no less imperative than those issued under the 1940 Act.

To handle this immense undertaking in a period of continuing national emergency there were, in addition to compensated personnel, 50,000 volunteers who gave their professional services to the huge and difficult effort of quickly processing the large number of men for active duty in the armed forces (H. Rep. 1881, *supra,* p. 8). The local boards might be called upon to handle areas with as great a population as 100,000 persons (see 32 C. F. R. 1604.51). It is manifest that the problems of classifying, inspecting, selecting, and inducting a great heterogeneous group of men were many and varied. Each problem required contact with the registrant, either in person or by mail, and the clerical job was one of immense

proportions. In the circumstances, the address-notification requirement was essential under the 1948 Act in order to assure quick contact with the great number of persons involved. Consequently, as had been done under the 1940 Act, an unequivocal duty was placed on the registrant to keep his local board informed of an address through which he could be reached without delay. There is, therefore, no basis for the theory that the local board is required to expend its energies and time in a trial and error method of detecting recalcitrant or delinquent registrants. The burden of such a duty would, if placed on the local boards, thwart the Selective Service System at the critical period which gives rise to a need for extraordinary and speedy measures.

Finally, the framers of the 1948 Act and regulations were conscious of the fact that a considerable group of persons would attempt one way or another to avoid or delay as long as possible their induction into the armed services. This was borne out by past experience. In previous wars, delinquency had been a major problem. Under the 1940 Act, from October 16, 1940 to March 31, 1947, when the Act expired, the Department of Justice processed 377,207 cases of suspected delinquency. From the effective date of the Act to June 30, 1947, there were 16,907 convictions under the 1940 Act.[20] Under the 1948 Act, there were 2,892 cases handled by the Department of

[20] Annual Report of the Attorney General for 1947, p. 354.

Justice for the year 1949 alone.[31] When the delinquency figures are multiplied, the work load of the local boards is proportionately augmented. It follows that the address-notification requirement cannot be properly interpreted in a manner that will give a registrant a practically uncircumscribed opportunity to effect prolonged delays in the Selective Service procedure by partial or non-compliance with its urgent demands. Adoption of the theory advanced by petitioner would accomplish this result. It would permit a registrant to furnish various addresses to his local board, to change his mailing address at will without notifying the board or leaving forwarding directions, and then complacently wait until the board has exhausted every possible source that might disclose his whereabouts. Manifestly, to indulge such desultory or random compliance with the law by the registrant, would put a premium on planned non-cooperation, which in war or other great emergency would obviously be in derogation of the national welfare.

III

IT WAS NOT INCUMBENT ON THE LOCAL BOARD TO CONTINUE TO SEND MAIL TO ADDRESSES INDICATED BY PETITIONER, AFTER IT HAD ASCERTAINED THAT HE WAS NO LONGER AT ANY OF SUCH PLACES, AND AFTER IT HAD FURTHER ASCERTAINED THAT HE HAD FAILED TO FURNISH A CURRENT ADDRESS WHERE MAIL WOULD REACH HIM

Petitioner contends (Pet. Br. 17–18) that the evidence was insufficient because the local board

[31] Annual Report of the Attorney General for 1949, p. 348.

did not send mail to him during the period March 30 to May 31, 1951, *i. e.*, the period charged in the indictment. The contention is without merit.

By the beginning of the period set forth in the indictment, the board had learned that petitioner was no longer receiving mail at 72 West 107th Street, New York City, the address last indicated by him in his Questionnaire as his mailing address, and the address at which he had actually received his Notice of Classification (Ex. G–6). That fact was ascertained when two communications mailed to petitioner at that address by the board, were returned marked "Returned to sender. Removed. Left no address." The board had also, prior to the beginning of the period above-mentioned, made an effort to locate him at another address furnished by his mother, but without success.

It is patent, therefore, that it would have been of no avail to the board to continue to mail communications to petitioner during the period charged in the indictment at the mailing addresses furnished as such by him and his mother, after it had learned by mailing tests that he had abandoned such addresses, and had furnished no other current mailing address.

If petitioner means by this contention that the government did not prove that he failed to furnish his board with an address where mail would reach him during the period mentioned, he is merely rearguing the factual issue which was resolved by the jury against him under proper instructions. He makes no assertion that he did

furnish such an address during the period and points to no evidence showing that he did so. In fact, he admitted on the witness stand that he had failed to keep the board informed of his current mailing address (R. 26–29). The papers from his file (including the Cover Sheet thereof which is intended to reflect at all times the registrant's correct mailing address) which were admitted in evidence indicate that he persisted in his failure to notify the board of a current mailing address during the period named in the indictment, just as he had done on previous occasions. The board had no address on any paper submitted by petitioner, purporting to be his *own* address, which the evidence does not show was insufficient to reach him by mail during the pertinent period. This attack, which appears to be directed merely to the weight of the evidence, has been rejected by both courts below, and is without force.

CONCLUSION

It is respectfully submitted, therefore, that for the reasons stated above, the judgment of the court below should be affirmed.

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CHARLES B. MURRAY,
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JOHN R. BENNEY,
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DECEMBER 1952.

APPENDIX A

STATUTES AND REGULATIONS INVOLVED

Section 12 (a), Selective Service Act of 1948, 62 Stat. 622 (50 U. S. C. App. 462 (a)):

> Any * * * person * * * who in any manner shall knowingly fail or neglect or refuse to perform any duty required of him under or in the execution of this title, or rules, regulations, or directions made pursuant to this title * * * shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than five years or a fine of not more than $10,000, or by both such fine and imprisonment * * *.

Section 15 (b), Selective Service Act of 1948, 62 Stat. 624 (50 U. S. C. App. 465 (b)):

> It shall be the duty of every registrant to keep his local board informed as to his current address and changes in status as required by such rules and regulations as may be prescribed by the President.

The pertinent provisions of the regulations, Title 32, C. F. R. (1949 Ed.), follow:

Section 1602.4:

Delinquent. A "delinquent" is a person required to be registered under the selective service law who fails or neglects to perform

any duty required of him under the provisions of the selective service law.

Section 1606.51:

Forms made part of regulations. (a) All forms and revisions thereof referred to in these or any new or additional regulations, this chapter or any new or additional regulations, or in any amendment to this chapter or such new or additional regulations, and all forms and revisions thereof prescribed by the Director of Selective Service shall be and become a part of this chapter in the same manner as if each form, each provision therein, and each revision thereof were set forth herein in full. Whenever in any form or in the instructions printed thereon, any person shall be instructed or required to perform any act in connection therewith, such person is hereby charged with the duty of promptly and completely complying with such instruction or requirement.

Section 1611.6:

Responsibility for performance of duty. (a) Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

(c) Every person who, on the day or one of the days fixed for registration, is required to be registered is personally charged with the duty of presenting himself before the proper officials and submitting to registration.

(d) The duty of every person subject to registration to present himself for and submit to registration shall continue at all times, and if for any reason any such per-

son is not registered on the day or one of the days fixed for his registration, he shall immediately present himself for and submit to registration before the local board in the area where he happens to be.

Section 1613.11:

Interview of the registrant. All persons who present themselves for registration shall be registered on a Registration Card (SSS Form No. 1). All entries on the Registration Card (SSS Form No. 1) must be made by the registrar and shall be in ink, clear and legible. The registrar shall not permit anyone other than himself to write on the Registration Card (SSS Form No. 1) except when the registrant signs the completed card.

* * * * *

(c) The registrar shall ask the registrant for the information necessary to complete the entries on lines 1 to 15, inclusive, of the Registration Card (SSS Form No. 1), and shall enter such information on the proper lines of the card. The registrar shall make certain that the registrant fully understands what information is required and if any information given by the registrant is not clear the registrar shall carefully explain to the registrant what information is required and request that it be furnished clearly and correctly.

* * * * *

Section 1613.12:

Instructions concerning completion of registration card. (a) The registrar shall take extreme care that the place of resi-

dence of the registrant is correctly entered on line 2 of the Registration Card (SSS Form No. 1). The registrar shall inform the registrant that the local board which has jurisdiction over the place he gives as his residence will always have jurisdiction over him. The registrar shall require the registrant to give sufficient information as to the location of the place of his residence to establish such place within the jurisdiction of a local board. The registrant shall not be permitted to give a place of residence outside of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands. In describing his place of residence, the registrant shall give the street number thereof, when used, and in every case he shall give the name of the town, township, village, or city, and the county and State in which it is located. No R. F. D. route number shall be sufficient unless it is supplemented by more particular information showing where the place of residence is located on the R. F. D. route. The registrant shall be permitted to determine what place he desires to give as his residence when he is not located in the same place all of the time.

(b) The registrar shall make sure that the correct mailing address of the registrant is entered on line 3 of the Registration Card (SSS Form No. 1). The mailing address shall be entered in full on line 3 of the card even if it is the same as the place of residence entered on line 2. It should be made clear to the registrant that he should give as his mailing address an address normally regarded by him as a permanent address at

which he would expect to receive important communications. The registrar shall advise the registrant that a correct mailing address is most important because it is the address to which all notices to the registrant will be sent, and that he must advise his local board each time there is a change in his mailing address.

Section 1632.1:

Order to report for induction. Immediately upon determining which men are to report for induction, the local board shall prepare for each man an Order to Report for Induction (SSS Form No. 252) in duplicate. The date specified for reporting for induction shall be at least 10 days after the date on which the Order to Report for Induction (SSS Form No. 252) is mailed. The local board shall mail the original of the Order to Report for Induction (SSS Form No. 252) to the registrant and shall file the copy in his Cover Sheet (SSS Form No. 101).

Section 1641.2:

Failure to take notice. (a) If a registrant or a person required to present himself for and submit to registration fails to perform any duty prescribed by the selective service law, or directions given pursuant thereto, within the required time, he shall be liable to fine and imprisonment under section 12 of title I of the Selective Service Act of 1948.

Section 1641.3:

Communication by mail. It shall be the duty of each registrant to keep his local board advised at all times of the address where mail will reach him. The mailing of any order, notice, or blank form by the

local board to a registrant at the address last reported by him to the local board shall constitute notice to him of the contents of the communication, whether he actually receives it or not.

Section 1641.5:

Classification Record (SSS Form No. 102). The Classification Record (SSS Form No. 102) shall be open to the public at the local board office. It shall be the duty of each registrant to keep himself informed of his status, and any entry concerning him on the Classification Record (SSS Form No. 102) shall constitute due legal notice thereof to him and to all other interested persons.

Section 1641.6:

Computation of time. The period of days allowed a registrant or other person to perform any act or duty required of him shall be counted as beginning on the day following that on which the notice to him is posted or mailed.

Section 1642.2:

Continuing duty. When it becomes the duty of a registrant or other person to perform an act or furnish information to a local board or other office or agency of the Selective Service System, the duty or obligation shall be a continuing duty or obligation from day to day and the failure to properly perform the act or the supplying of incorrect or false information shall in no way operate as a waiver of that continuing duty.

Section 1642.3:

Compliance with procedures of this part not condition precedent to prosecution. Compliance by a local board or any other

agency of the Selective Service System with any or all of the procedures prescribed by this part is not a condition precedent to the prosecution of any person under the provisions of section 12 of the Selective Service Act of 1948.

Section 1642.41:

Report of delinquent to United States Attorney. (a) Every registrant who fails to comply with an Order to Report for Induction (SSS Form No. 252) or an Order for Transferred Man to Report for Induction (SSS Form No. 253) shall be reported promptly to the United States Attorney on Delinquent Registrant Report (SSS Form No. 301): *Provided,* That, if the local board believes by reasonable effort it may be able to locate the registrant and secure his compliance, it may delay the mailing of such Delinquent Registrant Report (SSS Form No. 301) for a period not in excess of 30 days. A copy of such Delinquent Registrant Report (SSS Form No. 301) shall be placed in the delinquent's Cover Sheet (SSS Form No. 101).

(b) In endeavoring to locate and to secure the compliance of a delinquent prior to reporting him to the United States Attorney, the local board should contact the delinquent and the "employer" or "person who will always know" the delinquent's address, as shown on the Registration Card (SSS Form No. 1), or any other person likely to know his whereabouts. The local board may enlist the aid of local and State police officials or any other public or private agencies it deems advisable. In no event shall the local board order or participate in the arrest of a delinquent.

APPENDIX B

SELECTIVE SERVICE FORMS INVOLVED

Form approved
Budget Bureau No. 33-R003.5.

SELECTIVE SERVICE SYSTEM

CLASSIFICATION QUESTIONNAIRE

Selective Service No. ☐☐☐☐ Date of mailing .....
Date received back at local board .....

Date of birth: Name:

(Month) (Day) (Year) (Last) (First) (Middle)

Address: .....
(Number and street or R. F. D. route)

.....
(City, town, or village) (County) (State)

(Local Board Stamp)

NOTICE TO REGISTRANT

You are required by the Selective Service Regulations to fill out this questionnaire truthfully and to return it to this local board on or before the date shown below. Wilful failure to do so is punishable by fine and imprisonment.

THIS QUESTIONNAIRE MUST BE RETURNED ON OR BEFORE .....

.....
Clerk or Member of Local Board.

(The above items are to be filled in by the local board before the questionnaire is mailed to the registrant.)

INSTRUCTIONS

This questionnaire is intended to furnish the local board with information to enable it to classify you. You will receive notice from your local board of your classification.

The registrant is required to sign the certificate on page 7. If another person assists the registrant in completing this questionnaire, the person assisting is required to complete the statement following the registrant's certificate. Imprisonment for not more than five years or a fine of not more than $10,000, or both such fine and imprisonment, is provided by law as a penalty for knowingly making, or being a party to the making, of any false statement or certificate regarding or bearing upon a classification.

If the registrant is an inmate of an institution and is unable to complete the questionnaire, the executive head of the institution shall communicate these facts immediately to the local board.

1. Make no alterations in the printed matter in this questionnaire.

2. All spaces in this questionnaire that apply to registrants must be completed with the appropriate words or check marks.

3. If you furnish additional information or affidavits with your questionnaire, attach the same securely to it.

4. If you are now on active duty with the Armed Forces, obtain a certificate to that effect from your commanding officer. Execute only Series I and II of the questionnaire and return it, with certificate attached, to your local board.

5. After this questionnaire has been returned, report to your local board at once any change of address, any change in place of employment or occupation, or any other new fact which may affect your classification.

SSS Form No. 100 (Revised 7-27-53) (1)

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~~22~~

Statements in this questionnaire are confidential as prescribed in the Regulations

USE INK OR TYPEWRITER IN FILLING OUT THIS FORM

STATEMENTS OF THE REGISTRANT

Series I.—IDENTIFICATION

INSTRUCTIONS.—Every registrant shall complete all statements in this series.

1. My name is (print) _____ (Last) (First) (Middle)

2. In addition to the name given above, I have also been known by the name or names of _____ (If none, write "None")

3. My address now is 12 W 62 St NY (Number and street or R. F. D. route)

_____ (City, town, or village) (County) (State)

4. My telephone number now is _____ (Town) (Exchange) (Number) (If you have no phone, write "None.")

5. My Social Security number is _____ (If none, write "None")

Series II.—PRESENT MEMBERS OF ARMED FORCES

INSTRUCTIONS.—Every registrant who is a member of one or more of the groups named in this series shall supply the information called for under the appropriate item or items.

1. (a) I am at present on ACTIVE DUTY in the Armed Forces, the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service as a _____ (Grade, rank, or rating) in the _____ (Branch of Armed Forces)

(b) Service or serial number _____ (c) I entered on active duty _____ (Date)

(d) My present tour of active duty will terminate _____ (Date)

2. (a) I am at present a member of a reserve component of the Armed Forces, NOT ON ACTIVE DUTY as a _____ (Grade, rank, or rating) in the _____ (Branch of Armed Forces)

(b) I entered into such component on _____ (Date)

(c) I _____ (am, am not) performing service in such component by satisfactorily participating in scheduled drills and training periods as prescribed by the Secretary of Defense.

3. (a) I am at present (check appropriate box) enrolled in the advanced course, senior division, Reserve Officers' Training Corps ☐; or the Air Reserve Officers' Training Corps ☐; a member of the Naval Reserve Officers' Training Corps entered upon the junior or senior year ☐; a midshipman, United States Naval Reserve ☐; in the _____ (College or university)

(b) I acquired such status on _____ (Date)

4. (a) I am selected for enrollment or continuance in the senior division, Reserve Officers' Training Corps ☐; the Air Reserve Officers' Training Corps ☐; the Naval Reserve Officers' Training Corps ☐; I am appointed a midshipman, United States Naval Reserve ☐; and I have agreed in writing to accept a commission if tendered and to serve, subject to call by the Secretary of the Army, the Secretary of the Air Force, or the Secretary of the Navy, not less than 2 years on active duty after receipt of a commission.

(b) I was selected on _____ (Date) (c) The above agreement was signed _____ (Date)

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5)

6. I am a fully qualified and accepted aviation cadet applicant of the (check appropriate box) Army ☐; Navy ☐; Air Force ☐; and have signed an agreement of service for a period commencing on _____ (Date) and ending _____ (Date)

Series III.—PRIOR MILITARY SERVICE

INSTRUCTIONS.—Every registrant who has been on active duty as a member of the Armed Forces of the United States, the Coast Guard, the Public Health Service on active duty with the Armed Forces or the Coast Guard, or the armed forces of an allied country, shall complete the statements in this series. (Use a separate line for each term of service, listing last service first. If none, write "None.")

1. Branch of Armed Forces	Date of Entry Into Active Service (Month, Day, Year)	Service or Serial Number	Date of Separation From Active Service (Month, Day, Year)	Type of Discharge (Honorable, Dishonorable, Bad Conduct, Undesirable, or other—Specify)
_____ (Last service)				

2. Does service shown in Item 1 above include any time spent in attending any of the specialized or college training programs under the jurisdiction of the Army, Navy, Marine Corps, or Coast Guard; or as a cadet or midshipman in one of the armed service academies? Yes ☐; No ☐.

3. If your answer to Question 2 is "Yes," give the name of the program _____ date of entry _____ (Month) (Day) (Year) and date of release _____ (Month) (Day) (Year) from such specialized training or academy.

Series IV.—OFFICIALS DEFERRED BY LAW

1. I am at present the Governor of a State, Territory, or Possession; a public official chosen by the voters of an entire State, Territory, or Possession; a member of the legislative body of the United States or of a State, Territory, or Possession; a judge of a court of record of the United States or of a State, Territory, or Possession or the District of Columbia; my office is _____ (If none, write "None")

2. My term of office expires _____ (Date)

Series V.—SOLE SURVIVING SON

I _____ (am, am not) the sole surviving son of a family of which one or more sons or daughters were killed in action or died in line of duty while serving in the Armed Forces of the United States or subsequently died as a result of injuries received or disease incurred during such service.

Series VI.—MINISTER, OR STUDENT PREPARING FOR THE MINISTRY

INSTRUCTIONS.—Every registrant who is a minister or a student preparing for the ministry shall complete the statements in this series that apply to him.

1. (a) I _____ (am, am not) a minister of religion. (b) I _____ (do, do not) regularly serve as a minister.

(c) I have been a minister of the _____ (Name of sect or denomination) since _____ (Month) (Day) (Year)

(d) I _____ (have, have not) been formally ordained. (e) If so, my ordination was performed on _____ (Month) (Day) (Year) by _____ (Ecclesiastical official performing the ordination) at _____ (City and State)

2. (a) I _____ (am, am not) a student preparing for the ministry under the direction of _____ (Name of church or religious organization) in a theological or divinity school.

(b) I am attending the _____ (Name of theological or divinity school) located at _____

3. I _____ (am, am not) a student preparing for the ministry under the direction of _____ (Name of church or religious organization) pursuing a full time course of instruction leading to my entrance into _____ (Name of theological or divinity school) located at _____, in which I have been pre-enrolled.

Series VII.—FAMILY STATUS AND DEPENDENTS

INSTRUCTIONS.—Every registrant shall complete this series.

1. (a) I have never been married ☐; I am a widower ☐; I am divorced ☐; I am married ☐. (b) I _____ (Use "do not")
(Check appropriate box)
live with my wife; if not, her address is _____

(c) We were married at _____ (Place) on _____ (Date)

2. (a) I have _____ children under 18 years of age.
(Number) (If none, write "None")

(b) Of these children, _____ live with me in my home.
(Number)

3. I have _____ persons other than those shown above, wholly or partially dependent upon me for support.
(Number)

NOTE.—Every registrant should submit to the local board on a separate sheet attached to this questionnaire any additional information concerning his status with respect to persons dependent upon him for support which he believes should be considered by the local board.

Series VIII.—PRESENT OCCUPATION

1. **Every registrant must check each of the following boxes appropriate to his case and follow the instructions indicated.**

(a) I am now working on a farm, orchard, or ranch. ☐ {If this box is checked, complete Series IX.

(b) I am now working in a nonagricultural occupation. ☐ {If this box is checked, complete this series.

(c) I am now a full-time student. ☐ {If this box is checked, complete Series XI.

(d) I now have no employment nor am I a full-time student. ☐ {If this box is checked, complete Parts 7 and 8 of this series.

2. The job I am now working at is (give full title, for example: Construction draftsman, turret-lathe operator, stationary engineer, farm laborer, prosecuting attorney, physics teacher, policeman, marriage-license clerk, etc.):

_____

3. I do the following kind of work in my present job (Be specific. Give a brief statement of your duties.):

_____

4. In my present job, I am (Check one box only)—
(a) A regular or permanent employee, working for salary, wages, commission, or other compensation ☐;

I have worked _____ years in my present trade, and I _____ expect to continue indefinitely in it.
(Use "do not")

(b) A temporary or occasional employee ☐; I expect that my present job will end about _____ (Date)

(c) An apprentice under a written or oral agreement with my employer, which expires _____ (Date) ☐

(d) An independent worker, working on my own account, not hired by anyone, and not hiring any help ☐;

(e) Working for my father or for the head of my family, but receiving no pay ☐

(f) An employer or proprietor hiring _____ (Number) paid workers ☐.

5. My employer is Hoffman (Silk)
(If self-employed, write "Self")
799 Bdwy Mfg C
(Address or place of employment—Street, or R. F. D. number, City, and State)
whose business is Dr Goods
(Kind of business—Wholesale, retail, or other product)

6. (a) I was employed by present employer on _____ (Date)

(b) I entered job described in Statements 2 and 3, this series, on _____ (Date)

Series XIV.—CONSCIENTIOUS OBJECTION TO WAR

INSTRUCTIONS.—Any registrant who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form shall sign the statement below requesting a Special Form for Conscientious Objector (SSS Form No. 150) from the local board.

By reason of religious training and belief I am conscientiously opposed to participation in war in any form and for this reason hereby request that the local board furnish me a Special Form for Conscientious Objector (SSS Form No. 150) which I am to complete and return to the local board for its consideration.

.....
(Signature)

Series XV.—PHYSICAL CONDITION

INSTRUCTIONS.—Every registrant shall complete this series. Any registrant who answers any of the questions listed below by "Yes" and who believes himself physically disqualified for service in the Armed Forces may attach an affidavit from his physician, hospital, or sanatorium to support his claim.

1. Do you have any physical or mental condition which, in your opinion, will disqualify you from service in the Armed Forces? Yes ☐; No ☐.
2. If the answer to Question 1 is "Yes," state the condition from which you are suffering .....
3. Are you now, or have you ever been, an inmate or a patient in a mental hospital or institution? Yes ☐; No ☐.
4. Are you now, or have you ever been, an inmate or a patient in a tuberculosis hospital or sanatorium? Yes ☐; No ☐.
5. If the answer to Question 3 or Question 4 is "Yes," give the name and address of each hospital, institution, or sanatorium .....
6. Have you had treatment from a physician for any condition within the last 5 years? Yes ☐; No ☐.
7. If the answer to Question 6 is "Yes," state each condition from which you suffered and give the name and address of the physician who attended you, and dates of each treatment .....

REGISTRANT'S STATEMENT REGARDING CLASSIFICATION

INSTRUCTIONS.—It is optional with registrant whether or not he completes this statement, and failure to answer shall not constitute a waiver of claim to deferred or other status. The local board is charged by law to determine the classification of the registrant on the basis of the facts before it, which will be taken fully into consideration regardless of whether or not this statement is completed.

In view of the facts set forth in this questionnaire it is my opinion that my classification should be Class .....

The registrant may write in the space below or attach to this page any additional statement which he believes should be brought to the attention of the local board in determining his classification.

.....

REGISTRANT'S CERTIFICATE

INSTRUCTIONS.—1. Every registrant shall make the registrant's certificate. 2. If the registrant cannot read, the questions and his answers thereto shall be read to him by the person who assists him in completing this questionnaire. 3. If the registrant is unable to sign his name he shall make his mark in the space provided for his signature in the presence of two persons who shall sign as witnesses.

NOTICE.—Imprisonment for not more than five years or a fine of not more than $10,000, or both such fine and imprisonment, is provided by law as a penalty for knowingly making or being a party to the making of any false statement or certificate regarding or bearing upon a classification. (Selective Service Act of 1948 as amended.)

I, ..., certify that I am the registrant named and described in the foregoing statements in this questionnaire; that I have read (or have had read to me) the statements made by and about me, and that each and every such statement is true and complete to the best of my knowledge, information, and belief. The statements made by me in the foregoing ..... (are, are not) in my own handwriting.

Registrant sign here ☞ .....
(Signature or mark of registrant)

.....
(Signature of witness to mark of registrant)

Date .....

.....
(Signature of witness to mark of registrant)

If another person has assisted the registrant in completing this questionnaire, such person shall sign the following statement:

I have assisted the registrant herein named in preparation of this questionnaire because .....

.....
(For example—registrant unable to read and write English, etc.)

.....
(Signature of person who has assisted)

(Registrants Will Make No Entries on This Page)

Dates	Minutes of Actions by Local Board and Appeal Board	Vote	
		Yes	No

Sept 18/48

SSS Form No. 1
(Form approved.
Budget Bur. No. 33-R090)

SELECTIVE SERVICE SYSTEM
REGISTRATION CARD

SELECTIVE SERVICE NUMBER

[Registrar will not enter Selective Service number]

1. Name

(Last) (First) (Middle)

2. Place of residence

(City, town, village, or county) (State)

[The place of residence given on the line above will determine Local Board jurisdiction]

3. Mailing address

4. Name and address of person who will always know your address

(Name) (Address)

5. Date of birth

(Month) (Day) (Year)

6. Place of birth

(City, town, village, or county) (State or country)

7. Occupation

8. Firm or individual by whom employed

9. Nature of business, service rendered, or chief product

10. Place of employment or business

(Number and street or R. F. D. number) (Town) (County) (State)

11. Local board with which registered under Selective Training and Service Act of 1940, as amended

12. Were you ever rejected for service in the armed forces? Yes ☐ No ☐ When?

13. Marital status: Single ☐ Married ☐ [Living with wife ☐ Separated ☐ Divorced ☐ Widower ☐] Father ☐

(Over)

16—48561-1

14. Active duty in the armed forces of the United States or a cobelligerent nation since Sept. 16, 1940:

.....
(Branch of Armed Forces) (Service or serial number) (Date of entry)

.....
(Name of last organization) (Date of separation)

15. Present membership in a reserve component of the armed forces:

.....
(Branch of Armed Forces) (Service or serial number) (Date of entry)

.....
(Grade and organization)

I affirm that I have verified the foregoing answers and that they are true:

.....
(Signature of registrant)

DESCRIPTION OF REGISTRANT

16. Color of eyes ..... Color of hair ..... Complexion .....

Height (approx.) ..... ft. ..... in. Weight (approx.) ..... Race .....

Other obvious physical characteristics that will aid in identification:

.....

I certify that my answers are true; that the person registered has read or has had read to him his own answers; that I have witnessed his signature or mark and that all of his answers of which I have knowledge are true, except as follows:

.....

....
(Date of registration) (Signature of registrar)

Registrar for local board .....
(Number) (City or county) (State)

(Stamp of the Local Board of jurisdiction as determined by item 2, front of card)

U. S. GOVERNMENT PRINTING OFFICE 16—55561-1

NOTICE OF RIGHT TO APPEAL

Appeal from classification by local board must be made within 10 days after the mailing of this notice by filing a written notice of appeal with the local board.

Within the same 10-day period you may file a written request for personal appearance before the local board. If this is done, the time in which you may appeal is extended to 10 days from the date of mailing of a new Notice of Classification after such personal appearance.

If an appeal has been taken and you are classified by the appeal board in either Class I-A or Class I-A-O and one or more members of the appeal board dissented from such classification you may file a written notice of appeal to the President with your local board within 10 days after the mailing of this notice.

Cut along this line

Cut along this line to detach card

SELECTIVE SERVICE SYSTEM
NOTICE OF CLASSIFICATION

Approval of Budget Bureau not required

.....
(Last name) (First name) (Middle name)

Selective Service No. [ ] [ ] [ ] [ ] has been classified in Class ..... (Until .....,
19.....) by ☐ Local Board. ☐ Appeal Board,
by vote of ..... to ..... ☐ President
(Show vote on appeal board cases only)

....., 19..... .....
(Date of mailing) (Member of local board)

The law requires you, subject to heavy penalty for violation, to carry this notice, in addition to your Registration Certificate, on your person at all times—to exhibit it upon request to authorized officials—to surrender it, upon entering the armed forces, to your commanding officer.

For advice, see your Government appeal agent.

The law requires you: (1) To keep in touch with your local board; (2) to notify it of any change of address; (3) to notify it of any fact which might change your classification; (4) to comply with the instructions on the notice of classification part of this form.

SSS Form No. 110 (Revised 4-15-49)

Cut along this line to detach card

Cut along this line (duplicate)

16—81824-7 U. S. GOVERNMENT PRINTING OFFICE

Selective Service System

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, $300
(GPO)

(LOCAL BOARD STAMP)

OFFICIAL BUSINESS

16—81284-6

73

SELECTIVE SERVICE SYSTEM

REGISTRATION CERTIFICATE

This is to certify that in accordance with the Selective Service Proclamation of the President of the United States

....
(First name) (Middle name) (Last name)

.....
(Place of residence—Identical with Item 9 of Registration Card)

....
(Date of birth) (Place of birth)

has been duly registered this .... day of ....., 19....

.....
(Signature of registrar)

Registrar for Local Board ....
(Number) (City or county) (State)

The law requires you to have this card in your possession at all times for identification and to advise your Local Board of change of address

SSS Form No. 2 Form approved. Budget Bureau No. 33-R100. 16—55461-1

(Registrant must sign here)

DESCRIPTION OF REGISTRANT

Color of eyes ..... Color of hair .....

Complexion ..... Height (Approx.) .....ft. .....in.

Weight (Approx.) ..... Race .....

Other obvious physical characteristics that will aid in identification

.....

.....

.....

....

GPO 16—55461-1

U. S. GOVERNMENT PRINTING OFFICE: 1955